

DOCKET & FILE

NEW YORK:

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JESUS SANTIAGO  
PLAINTIFF(S)

V.

CUOMO, ET AL.

CASE NO. 12-CV-02137-KAM-  
MDG

DEFENDANT(S)

MOTION TO RETAIN COUNSEL OF CHOICE

COMES NOW, THE PETITIONER, JESUS SANTIAGO, PRO SE, AND MOVES THIS HONORABLE COURT IN ACCORDANCE WITH THE SIXTH AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION. THE PETITIONER HAS A RIGHT TO RETAIN AN ATTORNEY OF HIS CHOICE SINCE THE CONSTITUTIONAL SIX AMENDMENT ENTITLES ONE CHARGED WITH CRIME TO ASSISTANCE OF COUNSEL, COMPLIANCE WITH THIS CONSTITUTIONAL MANDATE IS ESSENTIAL IN ACCORDS WITH THE JURISDICTIONAL PREREQUISITE TO COURT'S AUTHORITY.

IN SUPPORT OF THIS MOTION THE PETITIONER PRESENTS THE FOLLOWING:

(1)

## STATEMENT OF FACTS

THE PETITIONER CONTENDS THAT HE HAS NOT GIVEN CONSENT TO ROBERT GREENBERG, ESQ. TO REPRESENT HIM IN PLACE OF GABRIEL ESTADELLA IN MATTERS RELATING TO 42 U.S.C. SECTION 1983 ACTION ARISING OUT OF PETITIONER'S NEW YORK STATE CRIMINAL SENTENCE. PETITIONER CONTENDS THAT THIS SAID COURT WOULD BE VIOLATING HIS SIXTH AMENDMENT RIGHTS AS GUARANTEED BY THE UNITED STATES CONSTITUTION BY SANCTIONING MR. ROBERT GREENBERG, ESQ. TO REPRESENT HIM IN THE ABOVE STYLED CASE. MR. ROBERT GREENBERG, ESQ. IS PRESENTLY REPRESENTING THE PETITIONER WITHOUT ANY AGREED UPON CONSENT BY THE PETITIONER. MR. ROBERT GREENBERG, ESQ. HAS DISPATCHED TO THE PETITIONER APPROXIMATELY TWO "CONSENT ORDER GRANTING SUBSTITUTION OF ATTORNEY" FORMS IN WHICH THE PETITIONER HAS NEVER SIGNED, THEREFORE PUTTING MR. ROBERT GREENBERG, ESQ. IN VIOLATION OF THE PETITIONER'S DUE PROCESS RIGHTS. ~~\_\_\_\_\_~~)

THE PETITIONER RESPECTFULLY ASK THIS HONORABLE COURT TO ISSUE AN "ORDER" DEMANDING THAT MR. ROBERT GREENBERG, ESQ. WITHDRAW HIMSELF FROM THE PETITIONER'S CASE AND AFFORD HIM ACCORDING TO THE SIXTH AMENDMENT OF THE UNITED STATES CONSTITUTION TO RETAIN COUNSEL OF HIS CHOICE TO EFFECTIVELY

REPRESENT HIM IN MATTERS RELATING TO THE ABOVE STYLED CASE. THE PETITIONER CONTENDS THAT MR. ROBERT GREENBERG, ESQ. HAS BEEN REPRESENTING HIM WITHOUT WRITTEN OR VERBAL CONSENT THEREFORE VIOLATING HIS DUE PROCESS RIGHTS. THE PETITIONER FURTHER CONTENDS THAT THIS HONORABLE COURT WOULD BE IN VIOLATION IF IT ALLOWS MR. ROBERT GREENBERG, ESQ. TO CONTINUE TO REPRESENT HIM IN MATTERS RELATING TO HIS CIVIL CASE.

### CONCLUSION

IT IS FOR THIS REASON THAT THE PETITIONER PRAYS THAT THIS HONORABLE COURT EXAMINE CAREFULLY THE FACTS OUTLINED IN THIS CASE AND ISSUE AN "ORDER" DEMANDING THE WITHDRAWAL OF MR. ROBERT GREENBERG, ESQ. FROM THE PETITIONER'S CASE AND AFFORD HIM THE RIGHT CONSTITUTIONALLY TO OBTAIN PRIVATE COUNSEL OF HIS CHOICE.


RESPECTFULLY SUBMITTED,

*J. Santiago*

JESUS SANTIAGO

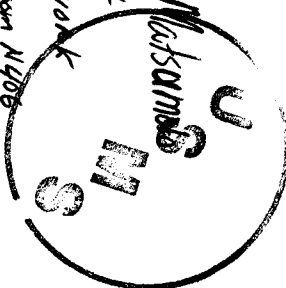
CERTIFICATE

I HEREBY CERTIFY THAT A TRUE AND ACCURATE COPY OF THE FOREGOING "MOTION TO RETAIN COUNSEL OF CHOICE" WAS MAILED BY HAND ON THE 19<sup>TH</sup> DAY OF OCTOBER, 2014, TO THE UNITED STATES DISTRICT COURT OF THE EASTERN DISTRICT OF NEW YORK CLERK 225 CADMAN PLAZA EAST, BROOKLYN, NEW YORK 11201.

  
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JESUS SANTIAGO

Jesus Santiago 339999  
Augusta Cathedral Center  
11821 Estrella Valley Rd  
Cragville, VA 21430

Honorable Judge Kyo A Nakano  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East Room 1406  
Brooklyn, New York 11201



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